

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re
Three J's Distributing Inc.

Case No. 18-32288-pcm7
☒ Amended

**NOTICE OF INTENT TO SELL REAL OR
PERSONAL PROPERTY, COMPENSATE
REAL ESTATE BROKER, AND/OR PAY
ANY SECURED CREDITOR'S FEES AND
COSTS; MOTION FOR AUTHORITY TO
SELL PROPERTY FREE AND CLEAR OF
LIENS; AND NOTICE OF HEARING**

(Note: Do not use to sell personally
identifiable information about individuals.)

Debtor(s)

NOTICE IS GIVEN that Rodolfo A. Camacho, the Trustee
(debtor, trustee, etc.), intends to sell the property described below and moves for authority
to sell the property free and clear of liens under 11 U.S.C. § 363(f) and the guidelines set
forth in Local Bankruptcy Form 363, Procedures re: Motions for Sale of All or Substantially
All Assets. The movant's name, address, and phone number are:

Rodolfo A. Camacho
PO Box 13897, Salem, OR 97301

If you wish to object to any aspect of the sale or fees disclosed in paragraph 7 or 15, you
must:

1. Attend the hearing set in paragraph 16 below; and
2. Within 21 days after the later of the date next to the signature below or the service
date in paragraph 17 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR
97204 or 405 E 8th Ave. #2600, Eugene OR 97401:
 - a. a written objection stating the specific facts upon which the objection is based, and
 - b. a certificate of service of the objection on the movant.

This document constitutes the notice required by Local Bankruptcy Rule (LBR) 2002-1.
All sections must be completed.

1. The specific subsections of 11 U.S.C. § 363(f) movant relies on for authority to sell the
property free and clear of liens are:
11 U.S.C. § 363(f)(2) pursuant to settlement with Farmer Bros (ECF 121). Alternatively,
11 U.S.C. § 363(f)(4) because lien of Farmer Bros. is in bona fide dispute (Adv. Proc.
20-03063).

2. Buyer's name & relation to debtor:
Clackamas County Property, LLC. No relation to Debtor.
3. General description of the property (if real property, state street address here. Also attach legal description as an exhibit to the notice filed with the court):
9812 SE Elon Street, Clackamas, OR 97015. See attached Exhibit A for legal description of real property.
4. A copy of the full property description or inventory may be examined or obtained at:
By contacting Jorge Hasbun at 503-515-5511 to make arrangements.
5. The property may be previewed at (include time and place):
By contacting Jorge Hasbun at 503-515-5511 to make arrangements.
6. Other parties to the transaction and their relationship to the debtor are:
None.

7. The gross sale price is: \$ **540,000.00**.

All liens on the property total \$ **1,028,538.10**, of which movant believes a total of \$ **811,884.72** need not be paid as secured claims (because the lien is invalid, avoidable, etc., the lienholder consents to less than full payment, or part or all of the underlying debt is not allowable).

Secured creditor(s) also seek(s) reimbursement of \$ **0.00** for fees and costs.

Total sales costs will be: \$ **74,400.00**.

All tax consequences have been considered, and it presently appears that the sale will result in net proceeds to the estate after payment of valid liens, fees, costs, and taxes of approximately: \$ **248,946.62**.

8. The sale ☐ is ☒ is not (mark one) of substantially all of the debtor's assets. Terms and conditions of sale:
\$540,000.00 Purchase Price
6% Broker Fee (2.7% Seller and 3.3% Buyer)
Sale estimated to generate \$42,000.00 in tax liability
Sale contingent on Bankruptcy Court approval
Closing to occur 10 days after order approving sale

9. Competing bids must be submitted to the movant no later than 10/27/2020 and must exceed the above offer by at least \$25,000.00 and be on the same or more favorable terms to the estate.
10. Summary of all available information regarding valuation, including any independent appraisals:
There is no recent comparable sales data. There have been no recent independent appraisals of the property.
11. If paragraph 7 indicates little or no equity for the estate, the reason for the sale is:
N/A

and expenses and taxes resulting from the sale will be paid as follows:

12. (Chapter 11 cases only) The reason for proposing the sale before confirmation of a plan of reorganization is:
N/A

13. The following information relates to lienholders (who are listed in priority order):

Name	Service Address (See FRBP 7004)	Approx. Lien Amount	Indicate Treatment at Closing (Fully Paid, Partially Paid, or Not Paid.)
Farmer Bros. Co.	B. Scott Whipple Whipple Law Office, LLC 1675 Marlow, Avenue, Suite 201 Portland, Oregon	\$75,000.00	Paid in accordance with settlement
HAPO Community Credit Union	Dolores Broeske President/CEO HAPO Community Credit Union 601 Williams Blvd. Richland, WA 99352	\$132,590.68	Paid in full
Clackamas County	Clackamas County Tax 150 Beavercreek Road Oregon City, OR 97045	\$9,062.70	Paid in full

14. Any liens not fully paid at closing will attach to the sale proceeds in the same order of priority they attach to the property. Any proceeds remaining after paying liens, expenses, taxes, commissions, fees, costs, or other charges as provided in this motion, must be held in trust until the court orders payment.
15. (If real property) The court appointed real estate broker, Jorge Hasbun, will be paid \$14,580 (2.7% of gross sale price).

16. A hearing on this motion and any objections to the sale or fees is scheduled as follows:
Date: 10/30/2020 **Time:** 1:30 p.m. **Location:** Telephonic
**Dial-in 888-684-8852; Access Code: 1238244
Testimony will be received if offered and admissible. If no timely objection is filed, the hearing may be canceled and an order submitted. Parties are encouraged to check the hearing calendar at <https://www.orb.uscourts.gov> after the objection deadline has passed.**
17. I certify that on 10/09/2020 this document was served, under FRBP 7004, on the debtor(s), trustee (if any), U.S. Trustee, each named lienholder at the address listed above, the creditors' committee chairperson (if any), and their attorneys; and (unless movant is a chapter 7 trustee) that it was also sent on that date, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
18. For further information, contact: David Criswell, Counsel to Trustee
Phone: 503-778-2198 Email: CriswellD@lanepowell.com

10/09/2020
Date

/s/ David W. Criswell, Counsel to Trustee
Signature & Relation to Movant

Debtor's Taxpayer ID#(s) (last 4 digits)
(If debtor is movant)

EXHIBIT "A"
Legal Description

PARCEL I:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 13, HOLLYWOOD GARDENS, in the County of Clackamas and State of Oregon.

PARCEL II:

Lots 13, 14, 15, 16, 17, 18, 19 and 20, Block 13, HOLLYWOOD GARDENS, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of vacated Goddard Avenue which inured thereto upon vacation thereof; EXCEPTING THEREFROM that portion lying within Violet Avenue.

SUPPLEMENTAL CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2020, I caused to be served a copy of the foregoing NOTICE OF INTENT TO SELL REAL OR PERSONAL PROPERTY, COMPENSATE REAL ESTATE BROKER, AND/OR PAY ANY SECURED CREDITOR'S FEES AND COSTS; MOTION FOR AUTHORITY TO SELL PROPERTY FREE AND CLEAR OF LIENS; AND NOTICE OF HEARING on the following person(s) in the manner indicated below at the following address(es):

Dolores Broeske
President/CEO
HAPO Headquarters
601 Williams Blvd.
Richland, WA 99354

- ☐ by CM/ECF
 - ☐ by Electronic Mail (courtesy copy)
 - ☐ by Facsimile Transmission
 - ☐ by First Class Mail
 - ☐ by Hand Delivery
 - ☒ by Certified Mail Return Receipt Requested
- ☐ by CM/ECF
 - ☒ by Electronic Mail (courtesy copy)
 - ☐ by Facsimile Transmission
 - ☒ by First Class Mail
 - ☐ by Hand Delivery
 - ☐ by Certified Mail Return Receipt Requested

David M. Blanc
The Blanc Firm, LLC
39 SE Court Ave.
Pendleton, OR 97801
dblanc@blancfirm.com

/s/ David W. Criswell
David W. Criswell